

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION of OIL, GAS and MINING
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5291

APPLICATION FOR TRANSFER
OF
NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

Application is hereby made to transfer the permit to commence small mining operations for the
T & M Holdings _____ mine, permit # S/035 /0023, currently
operated by Tracy Burnham - Decorative Landscaping Inc. _____ (transferor)
to CMC Rock LLC _____ (transferee).

As used herein, TRANSFEROR refers to the current operator, TRANSFEE refers to the
proposed new operator, NOI refers to the Notice of Intention to Commence Large Mining
Operations; PERMIT refers to the approved (or accepted) NOI, including the reclamation
contract and reclamation surety.

Upon approval of the Application for Transfer:

1. The Transferor agrees to transfer all rights and obligations to operate under the terms of the NOI to the Transferee, The Transferor will not retain any rights to conduct mining operations within the area covered by the approved NOI.
2. Both parties understand the transfer of the ***NOI is not complete until all the applicable requirements are met***, including the submittal and Division approval of an appropriate reclamation surety and a reclamation contract.
3. The transferee has read and has a copy of the current NOI.
4. The Transferee has inspected the site and is fully aware of all existing conditions and responsible for compliance with the conditions of the permit and the obligations regardless of the nature of the conditions at the site.
5. Transferee shall conduct mining operations on lands included in the NOI in accordance with the Utah Mined Land Reclamation Act, (ACT) Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended), and the rules promulgated under the ACT (R647- et seq., and the approved NOI.
6. The Transferee shall provide a surety in a form and amount approved by the Division to assure reclamation of the lands affected by the mining operations.

The **Transferor** will remain liable for compliance at the mine site until this transfer application is approved.

RECEIVED

AUG 23 2010

DIV. OF OIL, GAS & MINING

50350023
Task ID# 3717
cc: Leslie

The signatory below represents that he/she has authority to execute this transfer on behalf of the Transferor, if not a natural person. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFEROR:

Decorative Landscaping Inc.

Operator/Transferor Name

By Tracy Burnham

Name of Authorized Officer (Typed or Printed)

President

Title of Authorized Officer

[Signature]
Officer's Signature

8-23-10
Date

STATE OF Utah)

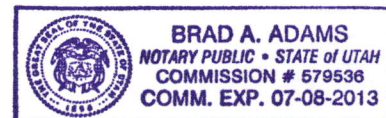
COUNTY OF SALT LAKE) ss:

On the 23 day of Aug, 20 10, Tracy Burnham
personally appeared before me, who being by me duly sworn did say that he/she is
an President (owner, officer, director, partner, agent or other (specify))
of the Operator Decorative Landscaping Inc.
and duly acknowledged that said instrument was signed on behalf of said Operator
by authority of its bylaws, a resolution of its board of directors, or as may otherwise
be required to execute the same with full authority and to be bound hereby.

[Signature]
Notary Public

858 S. 500 E. PAYSON, UT 84651
Residing at

7/8/2013
My Commission Expires:



The signatory below represents that he/she has authority to execute this transfer on behalf of the Operator/Transferee, if not a natural person; and the operator/transferee is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFeree:

CMC Rock LLC

Operator/Transferor Name

By Martin White

Name of Authorized Officer (Typed or Printed)

President

Title of Authorized Officer

[Signature]

Officer's Signature

8-23-2010

Date

STATE OF Utah)

COUNTY OF SALT LAKE) ss:

On the 23 day of Aug, 2010, Martin White
personally appeared before me, who being by me duly sworn did say that he/she is
an Officer (owner, officer, director, partner, agent or other (specify))
of the Operator CMC Rock LLC
and duly acknowledged that said instrument was signed on behalf of said Operator
by authority of its bylaws, a resolution of its board of directors, or as may otherwise
be required to execute the same with full authority and to be bound hereby.

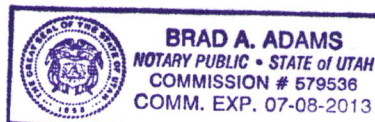
[Signature]

Notary Public

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NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program. (R647-3-et seq.)

These pages will replace the corresponding pages in the original NOI.

1. GENERAL INFORMATION

1. Name of Mine: CMC Point West Deco. 1
2. Legal name of entity (or individual) for whom the permit is being requested: CMC Rock LLC
Mailing Address: 71 E Wadsworth PARK Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
E-mail Address: mwhite@cmcutah.com

Type of Business:

Corporation _____, LLC X, Partnership – general _____ or limited _____,
Sole Proprietorship (dba) _____, or Individual _____

Entity must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC).

Are you currently registered to do business in the State of Utah? Yes X No _____

Entity # 6547225-0160

If no, contact DOC at www.commerce.utah.gov to renew or apply.

Local Business License # : 952 (if required)

Issued by: City: Herriman City or County: _____

If Business is a Sole Proprietor:

Name of owner: _____ Title: _____

Business Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

If Business is a Partnership:

Name of Partner: _____

Business Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

If Business is a Corporation:

Name of Officers: _____ Title: _____
_____ Title: _____
_____ Title: _____
_____ Title: _____

Corporate Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Limited Liability Company: Member Managed ☒ **Manager Managed** _____

Name of 1st Member/Manager: Martin White Title: President
Business Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
E-mail Address: mwhite@cmcuath.com

2nd Member/Manager: Todd Cusick Title: CEO
Business Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
E-mail Address: tcusick@cmcutah.com

2. Contacts:

This person may be notified for: permitting ☒ **surety** ☒ **Notices** ☒
(please check all that apply)

Name: Martin White Title: President
Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
Emergency, Weekend, or Holiday Phone: 801-819-9090
E-mail Address: mwhite@cmcutah.com

This person may be notified for: permitting ☒ **surety** ☒ **Notices** ☒
(please check all that apply)

Name: Abe Adams Title: Business Manager
Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
Emergency, Weekend, or Holiday Phone: 801-509-1238
E-mail Address: aadams@cmcutah.com

Registered Utah Agent (as identified with the Utah Dept of Commerce) (if individual leave blank):

Name: Corporate Agent Services LLC Title: _____
Address: 60 E South Temple Suite 1800
City, State, Zip: Salt Lake City, UT 84111
Phone: 801-328-3600 Fax: 801-321-4893
E-mail Address: _____

3. Certification:

This certification must be signed by: (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; (4.) the member or manager if applicant is a limited liability company; or (5) the individual if the applicant is filing as an individual:

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I will follow the approved mining and reclamation plan that was submitted by Decorative Landscaping Inc. (transferor), until such time that I provide the Division with an amended Notice of Intention and receive approval of the amended Notice; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature: _____

Date: _____

8-23-2010

Name (typed or printed): Martin White

Title/Position (if applicable): President